

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DE'KELVIN RAFAEL MARTIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	1:18-cv-04617-MLB
TYRONE OLIVER, Commissioner,)	
Georgia Department of Corrections;)	
)	
ANTOINE CALDWELL, Warden,)	
Georgia Diagnostic and)	
Classification Prison;)	
)	
Defendants.)	
)	

DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT

Defendants Tyrone Oliver and Shawn Emmons, through counsel and pursuant to Fed. R. Civ. P. 56, submit this Second Motion for Summary Judgment on Plaintiff's Eighth and Fourteenth Amendment challenge to Georgia's method of execution. In support of this motion, Defendants submit a brief, a statement of material facts, and the following evidence:

Defendants' Exhibit 1: Anonymous Physician Deposition

Defendants' Exhibit 2: Dr. Jacqueline Martin Deposition

Defendants' Exhibit 3: Dr. Jacqueline Martin Declaration

Defendants' Exhibit 4: Autopsy Reports

Defendants' Exhibit 5: Toxicology Reports

Defendants' Exhibit 6: Execution Timelines

Defendants' Exhibit 7: Benjamin Ford Deposition

Defendants' Exhibit 8: Anonymous Pharmacist Deposition

Defendants' Exhibit 9: Diagram of Building H-5

Defendants' Exhibit 10: Georgia's Lethal Injection Protocol

Defendants' Exhibit 11: Dr. Joseph Antognini Declaration

Defendants' Exhibit 12: Dr. David Waisel Report

Defendants' Exhibit 13: Chart of Dates for Autopsies and Toxicology Screens

Defendants' Exhibit 14: Chart of Results of Autopsy and Toxicology Reports

Defendants' Exhibit 15: H-5 Chemical Observation Log

Defendants' Exhibit 16: Controlled Chemical Inventory Log

Defendants' Exhibit 17: Controlled Chemical Disposition Record

Defendants' Exhibit 18: Execution Witness Lists

Defendants' Exhibit 19: Chart of Execution Timelines

Defendants' Exhibit 20: Execution Chamber Photos

Defendants' Exhibit 21: Bryan Wilson Deposition

Defendants' Exhibit 22: Second Anonymous Physician Deposition

Defendants' Exhibit 23: Anonymous IV Nurse Deposition

Defendants' Exhibit 24: Anonymous Injection Team Member Deposition

Defendants' Exhibit 25: Utah Firing Squad Manual

Defendants' Exhibit 26: Dr. David Waisel Rebuttal Report

Defendants' Exhibit 27: Dr. Michaela Almgren Report

Defendants' Exhibit 28: Dr. Jason Zastre Affidavit Dated April 15, 2015

Defendants' Exhibit 29: Dr. Michaela Almgren Deposition

Defendants' Exhibit 30: Dr. Jason Zastre Declaration Dated June 14, 2024

Defendants' Exhibit 31: Dr. James Williams Report Dated May 10, 2024

Defendants' Exhibit 32: Dr. James Williams Report Dated August 14, 2023.

Defendants' Exhibit 33: Bruce Chatman Deposition

WHEREFORE, Defendants respectfully request that the Court grant this motion and enter judgment in Defendants' favor on Plaintiff's Eighth and Fourteenth Amendment claim.

Respectfully submitted,

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s/Sabrina D. Graham 305755
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CERTIFICATE OF SERVICE AND TYPEFACE

I hereby certify that the foregoing pleading was formatted in Century Schoolbook 13 point, and that this day I have electronically filed this pleading with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 9th day of September, 2024.

/Sabrina D. Graham
Sabrina D. Graham
Senior Assistant Attorney General